

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JAKE WALLACE,
AN INDIVIDUAL, CHARGING PARTY**

Case 32-CA-25262

and

**HUMAN SERVICES PROJECTS, INC.
dba TEEN TRIUMPH**

**CHARGING PARTY'S OPPOSITION MOTION TO RESPONDENT'S
MOTION TO DISMISS OR REJECT CHARGING PARTY'S
EXCEPTION DULY FILED**

Charging Party, Jake Wallace, moves the Board to deny Respondent's motion to deny Charging Party, the ACTS restorative benefits and due process as outlined in a timely filed exception and on the following grounds.

1) Respondent was unaware of the Charging Party's post ruling discussion with the NLRB co-council, over the ALJ findings of facts and conclusions.

Charging Party unsuccessfully lobbied the NLRB co-council to file the exception.

Respondent's council in a post ruling telephonic discussion with the Charging Party, who stated no less than three times, that the co-council was never the Charging Party's attorney. Charging Party, did not and does not have traditional legal council, co-council's refusal to file the exception impaired the Charging Party's and the ACTS full benefits and remedies that the Board can now potentially restore, but should address.

2) Charging Party's failure to file the exception originally was perpetrated through the Charging Party's failure to gain legal advice and expertise to file the exception; not on the merits of the facts. Charging Party never willfully conceded to not file an exception. There exist and existed no legally binding agreement amongst the parties to not file the exception, as represented by the Respondent. Charging Party's failure to have legal council is not grounds for denying due process.

3) Charging Party asserts that the ALJ's ruling error was secured by fraud or imposition practiced on it. And that a ruling secured by such fraud is a nullity. ALJ found that Respondent was not credible: "*The credibility resolutions have been derived from a review of the entire testimonial record and exhibits, with due regard for the logic of probability, the demeanor of the witnesses, and the teachings of NLRB v Walton Manufacturing Company, 369 U.S. 404,408 (1962). As to those witnesses testifying in contradiction to the findings, their testimony has been discredited, either having been in conflict with credited documentary or testimonial evidence or because it was in and of itself incredible and unworthy of belief.* (JD(SF)-15-11; 1)

4) Respondent's position of fairness and prejudice weren't important when Respondent assured that fellow co-workers would never be able to testify which resulted in the ALJ ruling error. Now Respondent after being found lacking credibility is attempting, again, to thwart the ACTS lawful remedies.

Charging Party, moves the Board to allow the exception and proceed.

Dated: September 5, 2011

By: _____

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JAKE WALLACE, an Individual, Charging Party

Case(s) **32-CA-25262**

AND

HUMAN SERVICES PROJECTS, INC. d/b/a **TEEN TRIUMPH**

DATE OF MAILING: September 5, 2011

**E-FILE SERVICE OF THE NATIONAL LABOR BOARD
FOR THE CHARGING PARTY'S OPPOSITION TO MOTION TO
DENY OR REJECT CHARGING PARTY'S EXCEPTION**

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